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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Debyser, et al.

Appl. No. : 09/403,625

Filed : February 7, 2000

For : INHIBITORS OF  
CELLULOLYTIC,  
XYLANOLYTIC AND  $\beta$ -  
GLUCANOLYTIC ENZYMES

Examiner : C. Fronda

) Group Art Unit 1652

) I hereby certify that this correspondence and all  
) marked attachments are being deposited with the  
) United States Postal Service as first-class mail in an  
) envelope addressed to: Assistant Commissioner for  
) Patents, Washington, D.C. 20231, on

) September 28, 2001

) (Date)

) *Daniel Hart*  
) Daniel Hart, Reg. No. 40,637

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed June 28, 2001 in the above-identified application, Applicant hereby elects Group V consisting of Claims 6-13 for examination. Claims 1-5 and 14-47 are hereby withdrawn as being directed to a non-elected invention. However, Applicant maintains full rights to pursue the subject matter of the non-elected claims in related applications.

With respect to the election of species, Applicant elects the species of SEQ ID NO: 1 for initial examination with traverse. Applicant traverses the election of species requirement because SEQ ID NO: 1 and SEQ ID NO: 2 are both contained within the same xylanase inhibitor. In particular, as noted on pages 5-6 of the specification, after reduction of the 40-43kDa xylanase inhibitor with  $\beta$  mercaptoethanol and SDS-PAGE, three bands of 40-43kDa, 30kDa, and 10kDa were obtained. The 30kDa band contains SEQ ID NO: 1, while the 10kDa band contains SEQ ID NO: 2. Since both sequences are found in the 40-43kDa non-denatured band, Applicant maintains that they constitute a single invention and hereby requests that they be examined together.

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However, should the requirement to elect either SEQ ID NO: 1 or SEQ ID NO: 2 be maintained, Applicant notes that Claims 6 and 7 are generic. Accordingly, upon allowability of the claims with respect to SEQ ID NO: 1, Applicants are entitled to seek consideration of the nonelected species as provided in 37 C.F.R. § 1.141.

Prior to the examination of the above-identified application on the merits, please amend the application as follows:

IN THE CLAIMS:

B<sub>1</sub> 6. (Amended) A proteinic or glycoprotein inhibitor of xylanase obtainable from a plant selected from the group consisting of cereals, cereal grains from wheat, cereal flours from wheat, durum wheat, rye, triticale, barley, sorghum, oats, maize and rice.

sub C'  
The specific changes to the amended claim are shown on a separate page attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Response to Restriction Requirement and Preliminary Amendment. On this page, the insertions are double underlined while the ~~deletions are stricken through~~.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 24, 2001

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